IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 140 OF 2004.

Babu Tulshiram Waghmare. ... Applicant.
Versus.
Surekha Tatoba Savant & anr. ... Respondents.

Shri B.T.Waghmare, Applicant-in-person.
Ms.M.H.Mhatre, A.P.P. for the Respondents.

CORAM : ABHAY S. OKA, J.
DATED : 18th October, 2005.

P.C.:

1. Heard the Applicant appearing in person. The challenge in this Revision Application is to the Judgment and Order dated 5th February 2004 passed by the learned Judicial Magistrate First Class, Atpadi. By the said order, the learned Judicial Magistrate First Class allowed the application under section 125 of the Code of Criminal Procedure, 1973 filed by the Respondent-wife. The remedy of filing a Revision Application before the Sessions Court against the said order is available to the Applicant. It is well settled law that if the remedy is available to file a Revision Application in this Court as well as in the Sessions Court, the Applicant has to avail of the remedy of filing Revision Application before the Sessions court unless the circumstances are extra ordinary. According to me, no extra ordinary circumstances are brought on record. Hence the Criminal Revision Application is rejected with liberty to the Applicant to file Revision Application in the appropriate Sessions Court against the order impugned.

Judge.